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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Twenty-eighth session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 16th MEETING

Held at the Palais Wilson, Geneva,
on Wednesday, 8 May 2002, at 3 p.m.

Chairperson: Ms. BONOAN-DANDAN

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* No summary record was prepared for the second part (closed) of the meeting.

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS (agenda item 6) (continued)

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (continued)

Second periodic report of Trinidad and Tobago (continued) (E/1990/6/Add.30; E/C.12/Q/T&T/1; HR/CESCR/NONE/2002/2; HRI/CORE/1/Add.110)

1. At the invitation of the Chairperson, Ms. Richards and Ms. Sirjusingh (Trinidad and Tobago) took places at the Committee table.

Articles 6-10 of the Covenant (continued)

2. Ms. SIRJUSINGH (Trinidad and Tobago) said that the provisions of the Legitimation Act permitted any child born out of wedlock to be legitimized at birth. The Cohabitational Relationships Act had been intended to address the problems faced by women living in unmarried unions, as they had previously had no rights by virtue of their status. Under its provisions, the High Court could recognize title rights or entitlement to relief payments.

3. The Children Act included provisions against child abuse and neglect. A new package of legislation was being enacted that would strengthen measures to combat abuse in homes for children and help prevent homelessness among children, and would bring domestic law into line with the Convention on the Rights of the Child. The Children Act included provisions prohibiting parents from exploiting their children by sending them to beg on the street. In addition the Children's Authority Act would establish a Board of Management responsible for monitoring care in institutions and foster homes and advocating for children's rights.

4. The Government had identified certain branches of the economy that were particularly promising for job creation, including the construction, tourism, agriculture and manufacturing sectors. A national energy skills centre had been established in 1998 with funding from the national gas company and other private and public enterprises. Companies wishing to invest in the energy sector were now obliged to support the centre with cash contributions. The majority of the workforce in the petrochemical industry was local.

5. Occupational safety and health legislation was currently undergoing review by the Standing Tripartite Committee on Labour Matters, which advised the Government on draft legislation. The old-age pension had been set at TT$ 1,000 per month. The Government was considering the possibility of raising the minimum age of employment, especially with the introduction of universal secondary education, as it hoped that fewer young people would be drawn into the world of work. The on-the-job training programme and the Youth Training and Employment Partnership Programme to which the delegation had previously referred covered approximately 10,000 young workers.

6. The Civil Service Act governed annual leave for workers in the public service. Leave for those in the private sector was regulated by collective agreements. The Government had introduced a Basic Conditions of Work Bill which would provide paid annual leave, maternity and pregnancy leave, sick leave and family leave for all workers. While it was true that certain conditions must be met in order to qualify for disability benefits, a large number of people did in fact qualify.

7. Mr. PILLAY commended the Government for its implementation of poverty reduction measures, noting that the poverty rate had decreased over a ten-year period. Did the anti-poverty strategy incorporate a rights-based approach? Specifically, were human rights integrated into poverty reduction policies, as recommended in the Committee's statement on poverty?

8. According to the information he had received, the Medium Term Policy Framework did not provide sufficient protection of the right to housing for the poorest and most marginalized groups, namely, those living in slums and squats. How many people in Trinidad and Tobago were homeless? Were squatters liable to eviction, and, if so, were such evictions carried out in conformity with the guidelines of the Committee, as set out in General Comment No.7? He expressed shock that a court had ruled in 1999 that flogging and whipping were not prohibited. What was the legal basis for that ruling, and were there any plans to change the law, which was contrary to the Covenant? Was such punishment permitted in the case of women or children? The Committee on the Rights of the Child had observed that there was no law prohibiting the use of mental or physical torture or degrading punishment. What was the Government doing to address those issues?

9. Mr. MALINVERNI asked whether the poverty reduction plan addressed the increase in income disparities. About 10 per cent of the population was classified as very poor, meaning that they were unable to purchase a consumer's shopping basket. Did the Government have any special programmes for the extremely poor?

10. Mr. KOLOSOV asked whether the Government had taken any steps to identify and address the root causes of homelessness which led people to live in squats. According to the information at the Committee's disposal, conditions in places of detention were particularly bad. Did the Government have any plans to improve prison conditions? Disaggregated data on living standards were apparently missing from the report. Which government body would be able to provide such information?

11. Mr. RIEDEL asked why, in the delegation's reply to question 32 in the list of issues, the State party had placed primary health care as the last priority in the list. How much was spent on mother and child health care, and was the trend towards increased or decreased spending? The Committee required comparative data showing trends to understand the situation in the country. What was being done to reduce the teenage pregnancy rate?

12. The rate of HIV infection had risen sharply in the period leading up to 1995. Was it still rising? According to the Committee on the Rights of the Child, efforts were needed to improve reproductive health education and services. While some TT$ 200,000 had been assigned to the

establishment of a hotline, only part of that sum had reportedly been spent. Lastly, was it true that the public health-care system was increasingly unreliable, and that a private health care and insurance sector, which would exclude the poor and destitute, was therefore developing? If so, what was the Government's stance with respect to the development of the health-care system as a whole?

13. Mr. AHMED said that the information provided on the health situation in Trinidad and Tobago presented a mixed picture. On the one hand, life expectancy had risen, the infant mortality rate had fallen and a successful immunization programme was in place but, on the other, the major causes of death - diseases of the circulatory system and tumours - were not the ones that would be expected in a small island society. The situation with regard to hospitals was also rather mixed: while the Government was making commendable efforts to decentralize health-care facilities and build more hospitals around the country, the fact remained that, for a population of over one million, there were only two main hospitals, the total number of hospital beds was very low and the number of doctors and dentists was so small that he could only conclude that many of their colleagues must have left the country to work abroad. According to the Economist Intelligence Unit, the health service in Trinidad and Tobago was in near-crisis, with overcrowding, staff shortages and access only to the most basic drugs. On top of that, the poor state of the public health service was encouraging the emergence of private health insurance schemes and a private health sector which provided care that was surely more expensive than public health care but which still could not guarantee to everyone the right to enjoyment of the highest attainable standard of physical and mental health. He would like to know how the Government planned to tackle all those problems.

14. Mr. WIMER ZAMBRANO said that although it was probably too late to ask for detailed figures on higher education, he would be grateful if the delegation would provide at least some general information on the higher education system in Trinidad and Tobago, particularly on the number of universities, sources of university funding, the cost of tuition, the system of grants, if any, and the kind of difficulties faced by those wishing to enter higher education.

15. Mr. THAPALIA asked, in view of the shortage of teachers, whether in-service training was provided for teachers, what the teacher-pupil ratio was and how teachers' pay compared with that of others with comparable qualifications. He also asked if there were any lifelong education programmes for older people, who were becoming increasingly isolated in society. He was concerned to read in the report (E/1990/6/Add.30, para. 291) that capital expenditure on education, as a percentage of gross national product, was falling, and would like to know the reasons for that fall.

16. Mr. MARCHÁN ROMERO asked what the Government was doing to promote a national culture that would help alleviate the reported tension between the two main ethnic groups in Trinidad and Tobago, consisting of people of African and Asian descent. Noting that article 15 of the Covenant required States parties to recognize the right of everyone to enjoy the benefits of scientific progress and benefit from the protection of the moral and material interests resulting from their authorship of scientific, literary or artistic production, he also asked what specific legal protection was provided for copyright and for traditional knowledge.

17. Mr. MARTYNOV stressed the importance of providing the Committee with detailed and disaggregated data and asked the delegation to bear that in mind when preparing future reports. He illustrated the point by referring to the Government's reply to question 7 in the list of issues, where it provided some figures but failed to correlate them with the effects of structural reform, with the result that the Committee was unable to assess the effects of the structural reform programme on poverty or on other issues such as the right to health. Likewise, the Committee could not assess the effects of government programmes on maternal and infant mortality rates if the figures were only available up to 1997.

18. With regard to the right to health, he was concerned to see that the Government's figures revealed that the suicide rate for the population as a whole had more than doubled between 1971 and 1998. He would like to know if the delegation thought that social exclusion and poverty partly explained that rise. He would also like to know how accessible the free public hospitals were to the rural population.

19. On the question of education, he was puzzled by the figures provided in the written reply to question 35 in the list of issues, which showed that the enrolment rate in primary education was more than three times higher than that in secondary education. It appeared that many parents did not send their children to school because they could not afford the cost of textbooks and uniforms, and while the Government's one-off allocation of TT$ 9 million for textbooks, mentioned in paragraph 303 of the report, was welcome, he would like to know if the problem was going to be addressed consistently over time.

20. Mr. CEAUSU said that he would like to know how the private schools mentioned in paragraphs 274 and 277 of the report were funded and how the quality of the education they provided was assessed. He found the cost to students of taking an undergraduate degree very high, even though the Government usually paid half of the cost for medical students. Given that a supply of graduates was vital to the country's future development, as it was to that of all developing countries, to limit higher education to those whose parents could afford to pay for it was to miss out on the possibility of accelerating economic development. He would therefore like to know what opportunities were open to gifted students from poor families, and whether any State or privately funded scholarships were available to them.

21. In its otherwise comprehensive reply to question 37 in the list of issues, the Government had not provided specific information on measures to safeguard the cultural identity of the various ethnic groups of African and Asian origin. He asked if anything was being done by the Government or private groups to promote or preserve their native languages, particularly the living languages still used by the Indian population: he wondered if, for example, those languages were taught in school.

22. Mr. WIMER ZAMBRANO asked if the Rastafarian culture had any roots in Trinidad and Tobago.

23. The CHAIRPERSON, speaking as a member of the Committee, said she had been particularly struck by the delegation's earlier statement that the major cause of domestic violence was the prevailing culture of violence in Trinidad and Tobago. She invited the delegation to clarify the statement and, in particular, to tell the Committee if it saw that culture as an

impediment to the enjoyment by women and children of their full economic, social and cultural rights. She also asked if abortion had been criminalized in Trinidad and Tobago and, if so, how many women had died as a result of unsafe abortions.

24. Ms. SIRJUSINGH (Trinidad and Tobago) said that she was unable to say whether the Government's approach to poverty reduction was specifically based on human rights, although the programmes of, for example, the Ministry of Social Development did target the disadvantaged members of society. On the related questions of squatters and the housing shortage, she said that the new Government had announced its intention to tackle those problems vigorously and stressed that a programme had been under way for several years to regularize the situation of some of the 50,000 or so squatters by granting them security of tenure after a certain period of time, which she believed to be 16 years.

25. Corporal punishment was no longer permitted as a penal sanction for children under the age of 18; nor was it permitted as a form of discipline in schools. However, it remained a penal sanction for adults who committed specific offences, such as aggravated robbery or rape. Regulations restricted the maximum number of strokes to 20 and required any appeal to be heard before the sentence was administered.

26. With regard to the Government's plans to reduce the gap between the rich and the poor, she referred the Committee members to the significant poverty-reduction drives described in the report and written replies and added that the rich were taxed at a higher rate than the less well-off and that low wage earners were exempt from tax altogether.

27. On the question of prison conditions, she said the Government had been taking steps to improve them. It had established the Prison Reform Committee, in the work of which representatives of civil society and prison officials took part, and the Law Commission had prepared a paper on penal reform, which formed the basis for the draft legislation prepared by the Government with a view to updating prison rules, which dated from colonial times.

28. The Central Statistical Office, with a staff of 300, was the official agency responsible for collecting and publishing disaggregated data. It was currently working with the United Nations Children's Fund (UNICEF) to establish a system of indicators to monitor the situation of children.

29. She acknowledged that the Government spent less of its budget than other Caribbean countries on health care. There were chronic staff shortages because many doctors went abroad in search of better working conditions and higher salaries. A major challenge for the Government was how to provide better incentives for medical staff.

30. The long waiting list for elective surgery at public health-care institutions might have encouraged a move towards private care; however, she had seen no evidence to suggest that failings in the public health-care system had led to an increase in the cost of private health care. The private health-care system was excellent and many patients came from abroad to take advantage of it.

31. The Environmental Management Authority was currently investigating the effects of environmental factors on health in order to address the problem of respiratory disease.

32. Regarding access to hospitals, she said that an ambulance service had recently been introduced to transport patients to hospital. Free health care was provided at clinics located throughout the country, including in rural areas. Community nurses were available to provide follow-up treatment to patients in their homes if it was impossible for the patient to get to hospital.

33. According to the Central Statistical Office, the infant mortality rate in 1998 had been 18.6 per thousand live births. Many expectant mothers did not attend antenatal clinics even though the service provided was free. Greater efforts needed to be made to educate the public about the benefits of antenatal care so as to reduce the maternal mortality rate. According to a local NGO, the main cause of maternal mortality was poor obstetric care.

34. Although abortion was criminalized, one women's rights group had estimated that over 20,000 abortions were performed in the country each year; many of those were unsafe. No official statistics were currently available. Legal abortions were authorized by doctors only if the physical or mental health of the woman was at risk. She was convinced that the matter would be addressed by the Government, particularly given the lobbying and advocacy activities being carried out by local civil rights groups.

35. Statistics showed that HIV/AIDS was becoming more prevalent. The Government was taking steps to address the problem: for example, the Ministry of Health had initiated a national programme to decrease the incidence of mother-to-child transmission of the virus by screening, counselling and treatment with an anti-retroviral drug. Research into AIDS vaccinations was being carried out.

36. Replying to a question by Mr. Riedel, she said that the priorities of the Ministry of Health set out in the written reply to question 32 in the list of issues had been listed in no particular order, and assured the Committee that primary health care did not rank low on the Government's agenda.

37. With respect to education, she said that the Government had introduced various initiatives in an effort to create a more educated society and to make the system more equitable. It aimed to increase the number of students in higher education from 8 per cent of the population in 2002 to 20 per cent in 2005. It had therefore agreed to pay 50 per cent of the cost of all higher education courses, as part of the "dollar for dollar" programme. The programme was also available to new postgraduate students in priority areas. The Government had also adopted measures to subsidize the travel and accommodation costs of students from rural areas. Scholarships were provided to the top 200 Advanced-level students every year, to allow high-achievers to attend university, irrespective of their financial situation. Some of those students were able to attend universities abroad.

38. Private schools were funded partly by the private sector and partly by the Government, and were usually run by denominational boards.

39. Teacher training was high on the Government's agenda; for example, since the introduction of universal secondary education, teachers had been providing remedial classes for pupils with an insufficient level of education who had been admitted to secondary schools. Details had been provided in the written replies of measures that had been adopted to provide education programmes for older persons.

40. In reply to a question by Mr. Marchán Romero, she said that successive Governments had been very successful in managing racial diversity, using a range of approaches, some of which had been outlined in the written replies. Generally speaking, there was no tension between the different ethnic groups and there had never been any outward manifestations of racial violence. The Division of Culture of the Ministry of Culture and Tourism was mandated to uphold the cultures and identities of the different ethnic groups, and funded activities for all groups. The public holidays celebrated in the country reflected its multicultural society. There was some evidence to suggest that people voted for candidates because of their race, although there was no reason to believe that the practice was a source of racial tension.

41. Under the structural adjustment programme special attention had been accorded to vulnerable groups. The limited information currently available about the programme had been presented in the written replies.

42. The Government was taking steps to address the growing problem of domestic violence. The Committee on the Elimination of Discrimination against Women had recently noted that entrenched stereotypical attitudes with regard to the roles of men and women and the persistence of gender-based violence constituted obstacles to the full implementation of the Convention on the Elimination of All Forms of Discrimination against Women and had called on the Government to address the issue of gender stereotyping. She would consult the Domestic Violence Unit regarding the causes of domestic violence and would make the information available to the Committee.

43. Ms. RICHARDS (Trinidad and Tobago) said that there had been no effort to preserve indigenous languages in Trinidad and Tobago because the indigenous population had long since been wiped out by colonizers. English was the official language, and English patois was also spoken. Because of the demands of globalization, efforts were being made to teach foreign languages, in particular French and Spanish. Some private schools provided lessons in Hindi.

44. Her Government was involved in the international debate on the protection of genetic resources, traditional knowledge and folklore, and was keen to develop a country-specific system to protect its resources.

45. Mr. PILLAY, expressing concern that squatters had to wait 16 years before they could gain security of tenure, said that the State party should address the issue of forced evictions in its third periodic report, bearing in mind the Committee's General Comment No. 7 on the right to adequate housing.

46. Mr. SADI asked whether the delegation could guarantee that any recommendations formulated by the Committee on abortion would be taken up by the Government when abortion policy was reviewed.

47. Ms. RICHARDS (Trinidad and Tobago) said that the Government had taken significant steps to implement many of the rights embodied in the Covenant, but was aware that much more needed to be done, particularly with regard to enacting legislation, raising awareness of the rights contained in the Covenant across all levels of society, including the judiciary, policy makers and civil society, and promoting recourse to measures to ensure that all citizens could fully enjoy those rights. Her delegation had taken note of the concerns voiced by the Committee, in particular with regard to the incorporation of the Covenant's provisions into domestic law and the lacunae in areas such as labour, health care and child welfare.

48. The Government was firmly committed to the pursuit and defence of democratic principles and values, respect for the rule of law and the search for economic and social equality. Trinidad and Tobago had been quite successful in managing its cultural and ethnic diversity.

49. According to the Human Development Report 2000 issued by the United Nations Development Programme, in 1997 Trinidad and Tobago had ranked first among 78 developing countries in the newly introduced Human Poverty Index, indicating that the country had reduced human poverty (as opposed to income poverty) to a point at which it affected less than 4.1 per cent of its population. The data for the following years indicated that her country had continued to address the problem of poverty.

50. Trinidad and Tobago had been identified as one of the most successful Latin American and Caribbean countries in reducing its shortfall in human development over the previous two decades, despite the economic turmoil of the 1980s. It had not suffered any significant decline in human development levels, which indicated that available funds had generally been allocated in an appropriate and sustainable way, and that social investment had generally been geared towards reducing deprivation.

51. The Government was not complacent, but acknowledged that there was still work to be done in terms of equity, including employment opportunities for young people, women, the elderly and people with disabilities.

52. The Committee's views would be carefully considered as the Government sought to guarantee the enjoyment of the economic, social and cultural rights embodied in the Covenant. In conclusion, she said that the delegation would consult the competent authorities in order to address the questions that it had been unable to answer at the meeting, and would make the information available to the Committee.

53. The CHAIRPERSON, commending the State party on its achievements, said that the Committee recognized that the delegation did not comprise experts and therefore had not demanded more specific answers. She hoped that the Government would be able to provide more detailed data in the future.

The public part of the meeting rose at 5.05 p.m.